

Pennington Borough Council
Work Session Meeting – March 25, 2024

Mayor Davy called the Work Session Meeting of the Borough Council to order at 7:00 pm. The meeting was held via Zoom. Borough Clerk Betty Sterling called the roll with Council Members Angarone, Chandler, Marciante, Stern and Valenza in attendance.

Also present were Borough Clerk Betty Sterling, Borough Attorney Walter Bliss, Borough Administrator GP Caminiti, Chief Financial Officer Sandra Webb, Public Works Superintendent Rick Smith and Police Chief Doug Pinelli.

Mayor Davy announced that notice of this meeting has been given to the Hopewell Valley News, Trenton Times and was posted on the door at Borough Hall and on the Borough web-site according to the regulations of the Open Public Meetings Act.

Open to the Public

Mayor Davy read the following statement.

The meeting is now open to the public for comments. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **Please raise your hand and when the Borough Administrator acknowledges you state your name and address for the record. Please limit comments to the Governing Body to a maximum of 2 minutes.**

There were no comments from the public.

Work Session Discussion Items

PFAS – Gazebo Donation – Mayor Davy stated that the Borough Administrator, Chief of Police and Superintendent of Public Works met on the proposed site for the gazebo and they have met with Mr. Blackwell and they have some recommendations. Mr. Caminiti stated that multiple discussions have taken place regarding the location, the placement of the gazebo and what traffic might look like if the gazebo were to be placed on the corner of Broemel and Bixby Way. Mr. Caminiti stated that they also looked at Kunkel Park to see if that would be a better location for the Gazebo and they have determined that the best location would be at the corner of Broemel and Bixby Way, set back from the roadway including sidewalk work, and a retaining wall to account for the slope of the property. Mr. Caminiti stated that no additional crosswalks will be needed as this is a quiet location. Mr. Caminiti stated that removal of a tree and placement of the gazebo will eliminate some of the maintenance work that the Public Works Department is currently doing. Mayor Davy stated that if Council is in agreement the next step will be for Walter to prepare an Ordinance accepting the donation for the regular meeting. Mr. Caminiti stated that he will work with Mr. Bliss to ensure that the language includes that the Borough has the right to remove the gazebo if at a later time it becomes necessary.

Ordinance – Water/Sewer Rate Increase for Introduction – Mayor Davy stated that there was some discussion on this but a decision was not made. Mayor Davy stated that Phoenix Advisors was recommending a 2 percent increase for next year, but there was some discussion about splitting the increase to include an increase for this year. Mayor Davy stated that he asked Mrs. Sterling to calculate what the impact would be for the average user. Mrs. Sterling stated that she did an analysis for residential only which is about 80 percent of the Borough's customers. Mrs. Sterling stated that the average residential usage is about 11,000 gallons. Mrs. Sterling stated that the impact for the average user would be about \$10.00 for the year for a 1 percent increase and about \$20.00 per year for a 2 percent increase. Mrs. Sterling stated that the increase would apply to both water and sewer rates. Mr. Marciante stated that the budget discussions indicated that the water/sewer utility was in good financial shape and he would like an explanation as to why the increase is being proposed. Mrs. Chandler stated that when Phoenix Advisors made their presentation to Council they proposed an increase starting in 2025 to stay ahead of the costs for the projects identified in the Asset Management Plan including lead line replacements. Mrs. Chandler stated that Phoenix Advisors recommended a 4 percent increase in 2025 and Mayor Davy had suggested splitting the 4 percent increase for 2025 to 2 percent in 2024 and 2 percent in 2025 to ease the impact to customers. Mr. Marciante asked if the Borough is anticipating any funding for the Asset Management Plan and Mayor Davy stated that the Borough will be applying for funding and the analysis that was presented took into account applying for funding through the I-Bank. Mr. Marciante stated that he does not like the idea of raising the rates and then taking money from water/sewer to anticipate in the regular budget. Mrs. Chandler stated that we will be looking at the proposed increases for subsequent years as decisions are made regarding projects and as funding is received for those projects. Mrs. Chandler stated that the Finance Committee has taken a look at capital requests that were affecting the regular budget that can now be shifted to water/sewer capital. Ms. Angarone stated that we are also anticipating that there are more regulations coming from the DEP and it is prudent to plan ahead so that we can continue to provide safe drinking water. After some discussion, Mrs. Chandler stated that splitting the increase for 2025, 1 percent for water and 1 percent for sewer would be her recommendation.

Congressionally Directed Spending Applications – Mayor Davy stated that the deadline to submit for funding was today, March 25, 2024 but it has been extended to the beginning of April. Mayor Davy stated that we are resubmitting for the Route 31 water line replacement project that was submitted last year and got pretty far in the process but was not awarded and we are submitting a second request for Police Equipment and Architect Fees of \$50,000 for building improvements. Ms. Stern asked if the requested equipment items were part of the capital requests for this year. Chief Pinelli stated that some are in the budget but many are anticipated and that the department would like to have if the funding were available. Ms. Stern asked if submission of the grant commits the Borough to the 20 percent match. Mayor Davy stated that it does not, it is up to Council to decide whether to accept the grant if it is awarded. Mayor Davy stated that if a grant is awarded and not accepted it would not look good for future requests. Chief Pinelli briefly explained the equipment needed and the current replacement schedule. Mrs. Chandler stated that some of the items are not capital such as radios that are currently funded through the operating budget. Chief Pinelli stated that several scenarios were looked at when putting the equipment request together and depending on what is decided for the First Aid Building the requests would be different. Chief Pinelli stated that assumptions were made to help with the cost of upgrades to the First Aid Building. Mr. Valenza asked about data costs for the car laptops which are currently very high and would those costs go up with new equipment. Chief Pinelli stated that the equipment proposed is for replacement for the same equipment and the charges for service should not change. Ms. Stern asked how often these opportunities come up. Mayor Davy stated that they come up yearly and we have submitted on a couple of others that are out there. Ms. Stern stated that she would agree that we should not miss the opportunity but understand that the project might be scaled back as decision are made.

Mr. Valenza stated that he would suggest that we ask the school district to assist with the match since the water line replacement would benefit the schools. Mr. Smith stated that the line is very large and provides water to the schools, but also the library and residences on Franklin. Mr. Smith stated that the project would also include improvements to the well.

Deer Management Summary – Mrs. Chandler stated that the deer management wrapped up at the end of February. Mrs. Chandler stated that she provided statistics for the packages. Mr. Marcianti stated that baiting on certain properties in Hopewell should be off the list for next year, because we are helping the Township with their problem. Mrs. Chandler stated that she does not know if that is the case, but we are limited to certain properties in the Borough that we can hunt in town. Mrs. Chandler stated that we can revisit the locations for next year. Mrs. Chandler stated that she has heard from residents that they are seeing a significant decrease in the deer population. Some discussion took place regarding current locations and locations that could be considered for next year.

Amendment to Animal Control Ordinance – Mr. Bliss stated that a member of the Board of Health was concerned that a section of the current ordinance that applies to animal bites refers specifically to dogs but another section of the ordinance refers to all animals and she would like the ordinance to be consistent. Mr. Bliss stated that this would require an ordinance amendment. Mr. Bliss reviewed the language of the current ordinance. Mr. Bliss stated that he defers to the Board of Health. Mr. Valenza stated that this is a sensitive issue to a couple of the Board Members who have had an issue with cats and he thinks it makes sense to amend the ordinance to be consistent. After a brief discussion, Council agreed to amend the ordinance.

Public Message Displays (Banners/Message Boards) - Mayor Davy stated that Mr. Caminiti has been working on this and has a recommendation. Mr. Caminiti stated that he looked at this extensively and the recommendation is use the electronic message board exclusively because it is a lot easier to deploy and takes much less time to coordinating the banners and maintain. Mr. Caminiti stated that we are going to strongly encourage the use of the message board and discourage the use of banners. Mr. Caminiti stated that there will be a form and a fee instituted for use of the message board. Mrs. Chandler stated that there was concern raised about outside agencies requesting to use the message board. Mr. Caminiti stated that the idea is to make the fee high in an effort to deter the use of the message board for messages other than Borough notice and events. Mayor Davy stated that Council would need to limit use to Borough and Community organizations. Mr. Bliss stated that he was assigned to comment on this and it is free speech sensitive and if there is a fee and application it can be considered a prior restraint but there have to be parameters in place to ensure content neutral regulation of the equipment. Mr. Bliss stated that a fee charged has to be content neutral and cannot be in place to ensure content neutral regulation of the equipment and cannot deter free speech or unpopular speakers. Mr. Bliss stated that the risk of having such an applicant is ever-present with a broad definition of who can apply. Mr. Bliss proposed language to include civic, educational, charitable and non-profit community organizations and events, which are very broad terms and he would like to see it limited to government organizations and 501(c)3 organizations that have a public service blessed by the government. Mr. Bliss stated that we should also have a sense of what type of messages are being posted and they should be germane to the public purpose. Mr. Bliss stated that we want to avoid having to have discretion. Mr. Bliss stated that the language he is proposing would include religious organizations and he would have to look further into that. Further discussion took place and Mr. Bliss was directed to prepare an ordinance for introduction.

Resolution 2024-4.6 - Resolution Recognizing NJ Local Government Week, April 7th to April 13th, and Encouraging all Citizens to Support the Celebration and Corresponding Activities – Ms. Stern stated that we did this last year to have Council encourage people to attend. Ms. Stern stated that she would

like to thank everyone who has assisted with events planned for this year and we will be hosting an event each day during Local Government Week. Ms. Stern stated that committee chairs have been very receptive to this and we are hoping that we are going to have a good turnout this year.

Resolution 2024-4.7 - Resolution Authorizing the Borough Administrator to Submit a Grant

Application to Pennington Day – Mayor Davy stated that this request is to fund canopies and tables as well as flags for community events. Mrs. Chandler stated that we did not budget for these items. Ms. Stern asked if we don't get the grant can we still purchase the items. Mrs. Sterling stated that is a decision for Council.

Resolution - 132 West Welling Ave. - Lien on Property - Mayor Davy explained that this is part of the ongoing discussion of the rat issue on West Welling. Mr. Bliss stated that he has been working with the Health Department and this item is not needed at this time.

Resolution - Amending Council By-Laws - Mr. Bliss stated that it goes back to the vote question that came up a month ago and this resolution would amend the by-laws to make the vote consistent with State Law. Mr. Marciante voiced his concern with the proposed change. Mr. Bliss stated that the current by-laws are stricter than the State Law. After some discussion Council decided not to amend the by-laws. Mrs. Chandler stated that she is lost on this discussion and she would like to see what the current by-laws states and what the proposed change would be so that she could take the time to understand what is being proposed. Ms. Angarone stated that she also would like to see it laid out with a couple of examples.

Resolution - Easement Agreement for Fence - 122 Baldwin Street – Mr. Bliss stated that this is a standard procedure, there is a resident that has a drainage easement or easements on their property and they want to erect a fence and the agreement would allow the Borough to gain access to the property in the event that a fence were erected in the easement. Mayor Davy asked that this be reviewed with the property owner prior to the meeting.

Resolution - Art in the Park – Mayor Davy stated that this resolution will include the newly adopted security deposit fee.

Review of Tentative Council Regular Agenda

Mayor Davy asked if there was any discussion on the following items which will be on the Agenda for the Regular Meeting on April 1, 2024. There were no comments or questions on the proposed agenda items listed below.

Council Members discussed with regard to the budget the increase for the school district and Council Members were in agreement that the message needs to go out to residents that the driving force in the tax increases is the school tax and the municipal portion is minimal compared to the school and the county tax. Mr. Marciante stated that we should invite the school board member for Pennington to come to a Council Meeting. Ms. Angarone stated that the school board has some interesting rules and she is not sure that the board member would be allowed to speak on behalf of the board. Mr. Valenza stated that the start of this conversation was informing the public and he agrees that should be the focus of the message. Mr. Valenza stated that people who move to Pennington move here for the school district and they are aware of the taxes.

There were no further comments on the agenda items.

- Presentation - Shade Tree (Kate Fullerton)
- Appointment - Gian-Paolo Caminiti as Borough Official - Planning Board
- Resignation: Mona Habiby (Administrative Coordinator)
- Proclamation - Donato Nieman
- Proclamation - Arbor Day
- Budget Adoption
- Resolution 2024-4.4 - Resolution Authorizing Shared Services Agreement Between Hopewell Township, Hopewell Borough, Pennington Borough and the Hopewell Valley Regional School District for Municipal Alliance
- Resolution 2024-4.5 - Resolution Authorizing Submission of Governor's Council on Alcoholism and Drug Abuse Fiscal Grant July 1, 2024 to June 30, 2025
- Resolution 2024-4.8 - Resolution Authorizing Cancellation of Outstanding Checks
- Resolution 2024-4.9 - Resolution Authorizing Block Party on July 6, 2024 from 4Pm to 8PM on

Voorhees Avenue (Between Sked Street and Burd Street)

- Resolution 2024-4.10 - Appointing Gian-Paolo Caminiti as Joint Fund Commissioner for the Remainder of 2024
- Resolution - Authorizing Applications for Congressional Funding
- Ordinance 2024-2 - AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A: 4-45.14 IN THE BOROUGH OF PENNINGTON, NEW JERSEY (Public Hearing and Adoption)
- Ordinance 2024-3 - BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO BALDWIN STREET AND BALDWIN COURT 11 IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$182,270 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.
- Ordinance 2024-4 - AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY FOR THE YEAR 2024
- Ordinance 2024-5 - AN ORDINANCE REGULATING REMOVAL OF TREES ON PRIVATE PROPERTY AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON
- Ordinance 2024-6 - AN ORDINANCE REGULATING PRIVATELY-OWNED SALT STORAGE
- Ordinance 2024-7 - BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF PENNINGTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$325,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$308,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.
- Resolution - Tax Appeal Settlement

Public Comment

Mayor Davy asked that anyone wishing to speak, please raise your hand so the Borough Clerk can acknowledge you, please state your name and address for the record and limit comments to the Governing Body to a maximum of 3 minutes.

There were no comments from the public.

At:8:29 PM, Council Member Marciante made a motion to adjourn the Regular Meeting and convene in Closed Session, second by Council Member Gnatt with all members present voting in favor.

Open Space Acquisition (Alan Hershey)

Mayor and Council did not return to open session.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk